



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

May 22, 2013

Ida McDonnell, CAP  
USEPA Region 1  
1 Congress Street – Suite 1100  
Boston, Massachusetts 02114-2023

Re: **Administrative Amendment**  
FINAL OPERATING PERMIT  
Appl. #1-O-07-027; Trans. #W143287

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 - APPENDIX C(8) of the Massachusetts Air Pollution Control Regulations (“the Regulations”), the Department of Environmental Protection (“MassDEP”) is forwarding to EPA the attached **Administrative Amendment** to the Final Operating Permit for Mustang Motorcycle Products, LLC located at 4 Springfield Street in Three Rivers, Massachusetts.

**The attached Administrative Amendment to the Final Operating Permit consists of a *change of the business name for the facility.***

Should you have any questions concerning this **Administrative Amendment** to the Final Operating Permit, please contact Cortney Danneker at (413) 755-2234 at your earliest convenience.

Sincerely,

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

Marc Simpson  
Air Quality Permit Chief  
Western Region

cc: Ms. Catherine Twiss  
Mustang Motorcycle Products, LLC  
4 Springfield Street  
Three Rivers, MA 01080

ecc: Peter Czapienski, WERO  
Yi Tian, MassDEP, Boston  
Karen Regas, MassDEP, Boston



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### Administrative Amendment to AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The Department") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee"]:**

Mustang Motorcycle Products, LLC  
4 Springfield Street  
Three Rivers, MA 01080

**INFORMATION RELIED UPON:**

Application No. 1-O-07-027  
Transmittal No. W143287  
Appl.#1-O-11-012 Trans.# X238100  
(Admin. Amend: Business Name Change)

**FACILITY LOCATION:**

Mustang Motorcycle Products, LLC  
4 Springfield Street  
Three Rivers, MA 01080

**FACILITY IDENTIFYING NUMBERS:**

SSEIS ID: 0420307  
FMF FAC NO. 413011  
FMF RO NO. 430179

**NATURE OF BUSINESS:**

Fiberglass Motorcycle seat Manufacturing

**STANDARD INDUSTRIAL CODE (SIC):**

3751

**RESPONSIBLE OFFICIAL:**

Name: Gary Kendrick  
Title: Vice President

**FACILITY CONTACT PERSON:**

Name: Catherine Twiss  
Title: Human Resources Manager  
Phone: 413-283-6236 ext. 106  
Email: ctwiss@mustangseats.com

**This operating permit shall expire on June 10, 2013.**

For the Department of Environmental Protection, Bureau of Waste Prevention

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

\_\_\_\_\_  
Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

\_\_\_\_\_  
5/22/13  
Date

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## **SPECIAL CONDITIONS FOR OPERATING PERMIT**

A Legend to Abbreviated Terms found in the following Tables is located in Section 28 of the Operating Permit.

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee (Mustang Motorcycle Products, Inc.) is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

### **DESCRIPTION OF FACILITY AND OPERATIONS**

Mustang Motorcycle Products, Inc is located at 4 Springfield Street in Three Rivers, Massachusetts. Mustang . There is one emission unit at this facility: A motorcycle seat manufacturing line. The motorcycle seat manufacturing line includes: (1) forming the baseplate for the seat, both fiberglass and metal (2) making the cushion for the seat (3) attaching the cushion to the baseplate, covering with material and packaging for shipment. The facility also includes powder coat spraying, material storage, and small heat sources for facility heating. This additional equipment is below air permitting thresholds and is included as insignificant sources in the application. This facility is an operating permit facility since the facility is subject to 40 CFR Part 63 Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production. Tables 3, 4, 5, 6, and 8 of this Operating Permit contain the air quality requirements and regulations to which Mustang Motorcycle Products, Inc is subject.

### **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

<b>Table 1</b>			
<b>Emission Unit (EU#)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
1	Fiberglass seat manufacturing line	320 seats per day	Filter mat

### **3. IDENTIFICATION OF EXEMPT ACTIVITIES**

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>	
<b>Description of Current Exempt Activities</b>	<b>Reason</b>
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

**4. APPLICABLE REQUIREMENTS****A. EMISSION LIMITS AND RESTRICTIONS**

The permittee is subject to the emission limits/restrictions as contained in Table 3 below:

<b>Table 3</b>				
<b>EU #</b>	<b>Restrictions</b>	<b>Pollutant</b>	<b>Emissions Limit/Standard</b>	<b>Applicable Regulation and/or Approval</b>
EU 1	Resins and gel coats shall not exceed an organic HAP content of 37 percent <sup>(3)</sup> .  The Permittee shall not exceed an organic HAP emission limit of 377 lb/ton <sup>(4)</sup> .  Part 5. Special Terms and Conditions 1, 2, 3, 4, 5 and 6	VOC	2.0 tons/month <sup>(1)</sup> 9.9 tpy <sup>(2)</sup>	1-P-06-031 40 CFR Part 63 Subpart WWWW
		Single HAP	1.0 ton/month 9.9 tpy	1-P-06-031 40 CFR Part 63 Subpart WWWW
		Total HAP	2.0 tons/month 9.9 tpy	1-P-06-031 40 CFR Part 63 Subpart WWWW

**Table 3 Notes:**

- (1) Emission limits expressed as tons/month are based on a given calendar month.
- (2) Emission limits expressed as tons per year (tpy) are based on a rolling 12 month total.
- (3) 12-month rolling average limit contained in Approval #1-P-06-031.
- (4) Limits contained in 40 CFR Part 63 subpart WWWW Table 3.

## **B. COMPLIANCE DEMONSTRATION**

The permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:

<b>Table 4</b>	
<b>EU#</b>	<b>MONITORING/TESTING REQUIREMENTS</b>
<b>EU 1</b>	(1) In accordance with Approval No. 1-P-06-031, the Permittee shall establish and maintain a calendar month record of all VOC/HAP emissions from the facility including materials used and the results of the reference test method (Method 24) or the manufacturer's formulation data used for determining VOC/HAP content of those coatings.
	(2) In accordance with Approval No. 1-P-06-031, the Permittee shall, upon notification by the Department, perform or have performed tests to characterize resin and gelcoat VOC/HAP and solids content according to USEPA prescribed methods to demonstrate compliance, such as Method 24
	(3) In accordance with 40 CFR § 63.5895(c), the Permittee must collect and keep records of resin and gel coat use, organic HAP content, and operation where the resin is used if the Permittee is meeting any organic HAP emissions limits based on an organic HAP emissions limit in Tables 3 of 40 CFR 63 subpart WWWW. Resin use records may be based on purchase records if the Permittee can reasonably estimate how the resin is applied. The organic HAP content records may be based on MSDS or on resin specifications supplied by the resin supplier.
	(4) In accordance with 40 CFR § 63.5900(a)(2), the Permittee can demonstrate compliance with organic HAP emissions limits by maintaining an organic HAP emissions factor value less than or equal to the appropriate organic HAP emissions limit listed in Tables 3, or 5 to this subpart, on a 12-month rolling average, and/or by including in each compliance report a statement that all resins and gel coats meet the appropriate organic HAP emissions limits, as discussed in § 63.5895(d).
<b>Facility-wide</b>	(5) In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which the Department has determined that stack testing is necessary to ascertain compliance with Department's regulations or design approval provisions shall cause such stack testing to be conducted by a person knowledgeable in stack testing, to be conducted in accordance with procedures contained in a test protocol approved by the Department, to be conducted in the presence of a representative of the Department when such is deemed necessary, and to be summarized and submitted to the Department with analysis and report within such time as agreed to in the approved test protocol.
	(6) In accordance with 310 CMR 7.13(2), any person having control of a facility, relative to which the Department determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation, enforcement or determination of compliance shall cooperate with the Department to provide: entrance to a location suitable for stack sampling; sampling ports at locations where representative samples may be taken; staging and ladders to support personnel and equipment for performing tests; a suitable power source at the sampling location for the operation of sampling equipment; and such other reasonable facilities as may be requested by the Department.
	(7) Emissions Compliance Testing (Stack Testing), shall be performed in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7 for oxides of nitrogen (NO <sub>x</sub> ), Method 6 for sulfur dioxide (SO <sub>2</sub> ), Method 10 for carbon monoxide (CO), Methods 1 to 5 for TSP, Method 3A for Oxygen (O <sub>2</sub> ), Method 9 for opacity, or any other test method approved by the Department or EPA). Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A.
	(8) The Permittee shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.

**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU 1	(1) In accordance with Approval No. 1-P-06-031 and 40 CFR § 63.5915(c), the Permittee shall keep all data, assumptions, and calculations used to determine organic HAP emissions factors or average organic HAP contents for the processes at the facility.
	(2) In accordance with Approval No. 1-P-06-031, the Permittee shall generate by no later than the 15 <sup>th</sup> day of each month a monthly report to determine emissions of VOC and HAP for the previous month and rolling twelve-month total in order to determine compliance with the emission limits specified in Table 1 of Approval 1-P-06-031.
	(3) In accordance with 40 CFR § 63.5915(a), the Permittee shall keep a copy of each notification and report that was submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in § 63.10(b)(2)(xiv).
	(4) In accordance with 40 CFR § 63.5915(d), the Permittee must keep a certified statement that they are in compliance with the work practice requirements in Table 4 of 40 CFR Part 63 Subpart WWWW, as applicable.
	(5) In accordance with 40 CFR § 63.5920, the Permittee: <ul style="list-style-type: none"> <li>a. Shall maintain all applicable records in such a manner that they can be readily accessed and are suitable for inspection according to § 63.10(b)(1).</li> <li>b. As specified in § 63.10(b)(1), shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.</li> <li>c. Shall keep each record onsite for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). The Permittee can keep the records offsite for the remaining 3 years.</li> <li>d. May keep records in hard copy or computer readable form including, but not limited to, paper, microfilm, computer floppy disk, magnetic tape, or microfiche.</li> </ul>
Facility-wide	(6) In accordance with 310 CMR 7.00 Appendix C(10)(b), the Permittee shall maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.
	(7) In accordance with 310 CMR 7.12(4), upon verification of the information required by 310 CMR 7.12(3), the Department will review the supplied information. All such emissions data shall be available to the public during normal working hours at the Department's office and at such other offices as the Department may specify. Copies of all information supplied to the Department pursuant to 310 CMR 7.12 shall be retained by the facility owner or operator for five (5) years after the date the report is submitted.



**Table 6**

EU#	REPORTING REQUIREMENTS
EU 1	<p>(1) In accordance with Approval No. 1-P-06-031, The Regional Bureau of Waste Prevention office must be notified by telephone or fax as soon as possible, but no later than one (1) business day, after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and a potential for a condition of air pollution.</p> <p>(2) In accordance with Approval No. 1-P-06-031, the Permittee shall report within fifteen (15) days after the end of a calendar month if any emission limits are exceeded.</p> <p>(3) In accordance with Approval No. 1-P-06-031, the Permittee shall submit within thirty-one (31) days after the end of each calendar year (by January 31 of each year) the previous twelve (12) monthly reports generated pursuant to Approval 1-P-06-031.</p> <p>(4) In accordance with 40 CFR § 63.5910(b)(5) and (c), the Permittee shall submit semi-annual and annual compliance reports as detailed in section 10. COMPLIANCE CERTIFICATION of this Operating Permit.</p> <p>(5) In accordance with 40 CFR § 63.5910 (d), for each deviation from a organic HAP emissions limitation (<i>i.e.</i>, emissions limit and operating limit) and for each deviation from the requirements for work practice standards that occurs, the Permittee shall submit a deviation report on the forms and in accordance with the timelines contained in section 25. PERMIT DEVIATION of this Operating Permit.</p> <p>(6) In accordance with Approval No. 1-P-06-031, the Permittee shall submit information required by 310 CMR 7.12(1) annually on forms mailed by the Department to the facility.</p>
Facility-wide	<p>(7) In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement form to the Department on an annual basis.</p> <p>(8) In accordance with 310 CMR 7.00 Appendix C(10)(c), the Permittee shall submit to the Department two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. (See Provision 10 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</p> <p>(9) In accordance with 310 CMR 7.13(1)(d), the Permittee shall submit to the Department any stack test results for any air contaminant obtained from stack testing required by the Department within such time as agreed to in the approved test protocol.</p> <p>(10) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., the Permittee shall submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</p> <p>(11) In accordance with 310 CMR 7.00 Appendix C(10)(a), the Permittee shall submit to the Department any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department or EPA.</p>

**C. GENERAL APPLICABLE REQUIREMENTS**

The permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>REGULATION</b>	<b>DESCRIPTION/REASON</b>
40 CFR Part 64 Compliance Assurance Monitoring	Facility does not employ a control device for a pollutant that it is major for.
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs less than 250 people.
42 U.S.C. 7401, § 112 (r): Prevention of Accidental Releases	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
40 CFR Part 82: Protection of Stratospheric Ozone	Facility no longer services its air conditioners; performed by outside contractor

**5. SPECIAL TERMS AND CONDITIONS**

The permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

<b>Table 8.</b>	
<b>SPECIAL TERMS AND CONDITIONS</b>	
EU 1	1) In accordance with Approval No. 1-P-06-031, the Permittee shall employ all reasonable good housekeeping practices to minimize fugitive VOC emissions from the use of cleanup solutions and the handling of coatings and other VOC containing materials; and shall keep tightly covered any containers containing VOC materials as much as practical during use and at all times when not being used.
	2) In accordance with 40 CFR Part 63 Subpart WWWW Table 4, the Permittee shall not use cleaning solvents that contain HAP, except that styrene may be used as a cleaner in closed systems, and organic HAP containing cleaners may be used to clean cured resin from application equipment. Application equipment includes any equipment that directly contacts resin.
	3) In accordance with 40 CFR Part 63 Subpart WWWW Table 4, the Permittee shall keep containers that store HAP-containing materials closed or covered except during the addition or removal of materials. Bulk HAP-containing materials storage tanks may be vented as necessary for safety.
	4) In accordance with Approval No. 1-P-06-031, each paint spray booth shall utilize two or more layers of dry fiber mat filter with a total thickness of at least two inches or an equivalent system as determined in writing by the MassDEP that achieves particulate control efficiency of at least 97% by weight. Filter material shall be disposed in accordance with all applicable MassDEP regulations.
	5) In accordance with Approval No. 1-P-06-031, the spray booths shall have stacks that discharge vertically upwards and shall not have rain protection of a type that restricts the vertical exhaust flow. The stack gas exit velocity shall be greater than 40 feet per second and the stack exit height shall be 35 feet above the ground or ten feet above roof level.
	6) In accordance with Approval No. 1-P-06-031, the Permittee shall employ all reasonable good housekeeping practices to minimize fugitive VOC emissions from the use of cleanup solutions and the handling of coatings and other VOC containing materials; and shall keep tightly covered any containers containing VOC materials as much as practical during use and at all times when not being used.
	7) Emission units 1 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" [as indicated in Table 15 to Subpart WWWW of 40 CFR 63]. Compliance with all applicable provisions therein is required

**6. ALTERNATIVE OPERATING SCENARIOS**

The permittee did not request alternative operating scenarios in its operating permit application.

**7. EMISSIONS TRADING**

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies The United States Environmental Protection Agency (EPA) and the Department at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2 is required to be submitted to the Department pursuant to 310 CMR 7.00: Appendix B.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

All increases in emissions due to emission trading, must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et seq. (the "Act"), and provided for in this permit.

**8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

### **9. FEES**

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the Department shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

#### **(a) Annual Compliance Report and Certification**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the Department and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the Department to determine the compliance status of the source.

#### **(b) Semi-Annual Monitoring Summary Report and Certification**

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the Department. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;

- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the Department to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the Department and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The Department has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i),

7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the Department, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**14. PERMIT TERM**

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

**15. PERMIT RENEWAL**

Upon the Department's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the Department takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

**16. REOPENING FOR CAUSE**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

**17. DUTY TO PROVIDE INFORMATION**

Upon the Department's written request, the permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall furnish to the Department copies of records that the permittee is required to retain by this permit.

**18. DUTY TO SUPPLEMENT**

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information

was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The permittee shall promptly, on discovery, report to the Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This permit is not transferable by the permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to the Department.

## **20. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the Department, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

The permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the Department or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision

to other circumstances, and the remainder of this permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the permittee submitted notice of the emergency to the Department within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the Department's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.



- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the Department's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

(a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

(b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).

(c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

(d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for

changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the Department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

## **28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT**

\*Not all abbreviations are present in every Operating Permit

< - Less Than

> - Greater Than

#/hr - Pounds Per Hour

10<sup>6</sup> BTU/hr - 1,000,000 BTU Per Hour

AOS – Alternative Operating Scenario

AQCR - Air Quality Control Region

CEM - Continuous Emission Monitor

CO - Carbon Monoxide

EPA - Environmental Protection Agency

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

FT<sup>3</sup>/day - Cubic Feet Per Day

HHV - Higher Heating Value

ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level

MADEP - Massachusetts Department of Environmental Protection

MMBTU/hr - Million British Thermal Units Per Hour

NH<sub>3</sub> - Ammonia

NO<sub>x</sub> - Nitrogen Oxides

PB - Lead

PLT ID - Plant Identification

PM - Particulate Matter

PPM - Parts Per Million

PTE - Potential To Emit

SO<sub>2</sub> - Sulfur Dioxide

SSEIS - Stationary Source Emission Inventory System

TPY - Tons Per Year

VOC - Volatile Organic Compound